



3739

Docket No. 003252-052961

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: George Brainard  
Serial No.: 09/853,428  
Filed: May 10, 2001  
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

Group: 3739  
Examiner: Roy Dean Gibson

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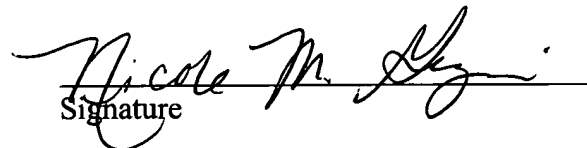
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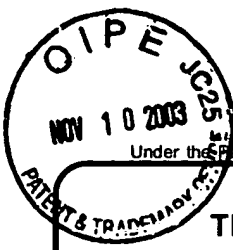
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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>Application Number</b>	09/853,428	
	<b>Filing Date</b>	May 10, 2001
	<b>First Named Inventor</b>	George Brainard
	<b>Art Unit</b>	3739
	<b>Examiner Name</b>	Roy Dean Gibson
<b>Attorney Docket Number</b>	003252-052961	
<b>Total Number of Pages in This Submission</b>		

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Letter to Examiner; Amendment dated 7/7/03, Certificate of Mailing; Return Receipt Postcard.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<b>Remarks</b>	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	The Commissioner is authorized to charge fee deficiencies associated with this submission to the NIXON PEABODY LLP Deposit Account No. 50-0850.	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

<b>Firm or Individual name</b>	David S. Resnick (Reg. No. 34,235)		
<b>Signature</b>	NIXON PEABODY LLP, 101 Federal Street, Boston, MA 02110		
<b>Date</b>	November 6, 2003		

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Washington, DC 20231 on this date:

<b>Typed or printed name</b>	Nicole M. Gignac		
<b>Signature</b>		<b>Date</b>	November 6, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Group: 3739  
Examiner: Roy Dean Gibson

**CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))**

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11 / 6 / 2003  
Date

Nicole M. Grignac  
(type or print name of person mailing paper)

Nicole M. Grignac  
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**LETTER TO EXAMINER**

On October 27, 2003, the undersigned received an Office Action mailed October 24, 2003 in the above-identified Application. It is noted that this Office Action appears to be the same as the Office Action dated June 6, 2002. The Applicant notes that a response to the June 6, 2002 Office Action was filed in connection with the petition to revive. For the convenience of the Examiner, a copy of that response is enclosed herewith. Accordingly, the applicant requests that the previously filed response be considered.

Should the Examiner have any questions, he is requested to contact the undersigned.

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Group: 3739  
Examiner: Roy Dean Gibson

Applicant does not believe that any fees are associated with this submission. However, authorization is hereby given to the Commissioner to charge any deficient fees to the Nixon Peabody LLP Deposit Account No. 50-0850.

Date: 11/6/03

Customer No.: 26770

Respectfully submitted,



David S. Resnick (Reg. No. 34,235)  
NIXON PEABODY LLP  
101 Federal Street  
Boston, MA 02110  
(617) 345-6057